THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.13990 of 2007

ORDER:

The Writ Petition along with W.V.M.P. came up for hearing today. With the consent of both the learned counsel, the main writ petition is being disposed of.

The petitioner claims to be the owner and possessor of Agricultural land admeasuring Acs.19.15 guntas in Sy.No.455 (old), 19 (new), situated at Kongara Khurd 'B' Village under the Gram Panchayath of Kongara Raviral (Chinna Kongara) Village, Maheshwaram Revenue Mandal, Ranga Reddy District. The petitioner claimed to have purchased the said land through registered sale deed dated 03-09-1998 from its original owner, namely, Pareddy Uday Bhasker Reddy. The petitioner is aggrieved by the action of the respondents in issuing declaration dated 27-03-2007 under Section 6 of the Land Acquisition Act, 1894, wherein an extent of Acs.4.35 guntas in Sy.No.455 (old), 19 (new) is shown as being acquired.

Sri Sampath Prabhakar Reddy, the learned counsel for the petitioner, drew my attention to a notification dated 25-03-2006 issued under Section 4 (1) of the Act, under which the respondents proposed to acquire only an extent of Acs.2.16 guntas and the names of two persons, namely, Udaya Bhaskar Reddy, S/o Narsimha Reddy and Gunnala Govardhan Reddy, S/o Damodar Reddy are shown under the column "Name of the Pattedar/Occupant". The learned counsel submitted that since mutation has not taken place, the name of Sri Uday Bhasker Reddy is shown in the notification and the declaration and that the respondents cannot acquire more than the land which is notified under Section 4 (1) of the Act by showing excess land in the declaration issued under Section 6 of the

Act. He relied upon and placed before me a copy of the order dated 06-07-2006 passed in W.P.No.13662 of 2006 in *Smt.G.Sharada, D/o G.Subba Raju and another Vs. Project Director, Outer Ring Road & Special Collector (L.A.) Hyderabad Urban Development Authority, Tarnaka, Hyderabad and another*, wherein this Court in a similar Writ Petition held that the respondents cannot acquire more extent than what is notified under the notification issued under Section 4 (1) of the Act.

The learned standing counsel for Outer Ring Road fairly admitted that the present writ petition is similar in nature. But, he, however, stated that out of the extent of Acs.4.35 guntas, the actual extent belonging to the petitioner is not so far ascertained and that since Gunnala Govardhan Reddy has not approached this Court, the interests of the petitioner may be protected by giving a direction that out of Acs.4.35 guntas of land, the respondents shall not acquire the extent of land in excess of Acs.2.16 guntas belonging to the petitioner. The learned counsel for the petitioner stated that he has no objection for giving such a direction.

In view of the above, the Writ Petition is disposed of with direction that the respondents shall not acquire more than Acs.2.16 guntas of land belonging to the petitioner in Sy.No.455 (old), 19 (new) of Kongara Khurd 'B' Village, Maheshwaram Revenue Mandal, Ranga Reddy District. No costs.

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C.V.NAGARJUNA REDDY, J.

Date : 19th November, 2007.

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THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.13990 of 2007

Date: 19th November, 2007

BETWEEN:

K.Uttam Kumar Reddy, S/o K.Laxma Reddy,
Aged 28 years, Occ:Business,
R/o H.No.8-2-684/3/37 & 38, Road No.12,
Banjara Hills, Hyderabad ..
Petitioner

AND

The Project Director & Special Collector (L.A.),
Outer Ring Road Project, HUDA Complex,
Tarnaka, Hyderabad and another ..
Respondents

Counsel for the petitioner : Sri Sampath Prabhakar Reddy

Counsel for the Respondent No.1 : Sri Y.Ravinder (S.C. for O.R.R.)

Counsel for the Respondent No.2 : G.P. for Land Acquisition